FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO. 3648 OF 2005
IN
FIRST APPEAL NO. 546 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Ms.A.R.S. Baxi for the
Applicant/Orig.Defendant.
Mr.U.G. Ghosalkar for Respondent.

CORAM : A.S. OKA, J.
DATED : February 9, 2007

P.C. :-

1. Heard Advocates appearing for the parties.

2. The operative part of the impugned decree passed by the trial Court is :-

> "The suit is partly decreed with proportionate costs as under :-
>
> It is held that the bills dated 05/08/1998 and 07/10/1998 at Exh. 51 and Exh. 52 are illegal the defendant has no right to recover the electricity energy consumption charges on the basis of said

Bills.

The defendant, its officers, Agents be perpetually restrained from recovery of electric energy consumption charges as shown in the Bills dated 05/08/1998 and 07/10/1998 at Exh. 51 and Exh. 52 and from disconnecting electric supply to the suit premises, without following due process of law.

The defendant is directed to adjust an amount of Rs.2,31,358.61/- recovered from the Plaintiff in the amount of future electric supply charges to be recovered from the Plaintiff. If is would fail to exercise its rights for recovery of disputed amount in this case, by taking recourse of the provisions of law for recovery of said amount.

Decree be drawn accordingly."

3. First two clauses of the operative part of the decree cannot be stayed. So far as third clause regarding adjustment is concerned, a limited interim relief can be granted directing the respondent to keep on paying bills issued from the month of March 2006 onwards.

4. Hence, application is disposed of

by passing the following order :-

> The direction given to the applicant to make adjustment will remain stayed with effect from 1st March, 2006 and therefore, the respondent will be liable to pay bills issued by the applicant with effect from March 2006 onwards. It is made clear that on the basis of this order, the applicant will not initiate any recovery in respect of bill amounts upto February 2006.

. Application is, accordingly, disposed of.

(A.S. OKA, J.)